

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

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<b>ARELI VEGA REYNA et al.</b>	)	
	)	
<i>Plaintiffs</i>	)	
v.	)	<b>Civ. No.: 1:17-cv-01192-LO-TCB</b>
	)	
<b>RUSSELL HOTT et al.</b>	)	
	)	
<i>Defendants/Respondents.</i>	)	
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**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs J.F.G., K.G., J.D.V., and J.D.V., through their next friend, Areli Vega Reyna, and plaintiff Macario Diaz Morales, by their undersigned attorneys, hereby move for the entry of an Order certifying this case as a class action pursuant to Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure; and appointing Legal Aid Justice Center as class counsel for both classes.

As set forth in Plaintiff's Complaint, filed on October 20, 2017 (ECF Docket No. 1), plaintiffs are a father (Macario Diaz Morales) detained at Farmville Detention Center ("Farmville") in Virginia and his U.S. citizen children (J.F.G., K.G., J.D.V., and J.D.V.), residing in Virginia. They seek declaratory and injunctive relief with respect to the constitutionally deficient practice of transferring parent-detainees of U.S. citizen children out of Virginia without notice or an opportunity to be heard. Plaintiffs seek relief for themselves individually, as well as on behalf of two classes:

- (1) All parents of U.S. citizen children residing in the Commonwealth of Virginia, who at any time on or after October 20, 2017 are or were detained by U.S. Immigration and Customs Enforcement within the Commonwealth of Virginia under the authority of 8 U.S.C. § 1226; and

- (2) All U.S. citizen children residing in the Commonwealth of Virginia who, at any time on or after October 20, 2017, have a parent detained within the Commonwealth of Virginia by U.S. Immigration and Customs Enforcement under the authority of 8 U.S.C. § 1226.

Both classes have been or will be harmed by ICE's interference in their fundamental right to family unity through the practice of separating parents from children without due process.

As demonstrated more fully in plaintiffs' Memorandum of Law and the exhibits thereto submitted in support of the Motion, plaintiffs' action satisfies each of the threshold requirements for class certification set forth in Fed. R. Civ. P. 23(a), as well as the substantive standard allowing them to proceed with the cause of action and claim for relief pled in the Complaint on a representative basis under Fed. R. Civ. P. 23(b)(2).

Plaintiffs' counsel engaged in e-mail communications with the U.S. Attorney's Office for the Eastern District of Virginia and with the Office of Immigration Litigation regarding plaintiffs' intent to seek class certification and appointment of Legal Aid Justice Center that is the subject of this Motion in the absence of defendants' consent thereto, and defendants' counsel declined to consent.

Accordingly, for the reasons set forth herein and in plaintiffs' accompanying Memorandum of Law, the instant Motion for Class Certification should be granted, the two classes should be certified, and Legal Aid Justice Center should be appointed as class counsel for both classes.

Respectfully submitted,

LEGAL AID JUSTICE CENTER

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of October 2017, Plaintiffs' Motion for Class Certification was uploaded to this court's CM/ECF system. A true and correct copy will be served upon each defendant along with the summons and complaint in this action. In addition, a true and correct copy was on this date served by e-mail upon the following individuals:

Dennis Barghaan  
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Respectfully submitted,

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